

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

SHEILA NELSON
Claimant

APPEAL NO: 14A-UI-00172-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

BUSINESSOLVER.COM INC
Employer

OC: 12/08/13
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 30, 2013, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 29, 2014. The claimant participated in the hearing. Mimi Kelly, Human Resources Manager, participated in the hearing on behalf of the employer. Claimant's Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time national account executive for Businessolver.com from October 1, 2012 to December 6, 2013. She voluntarily quit her job due to the treatment she received from the vice-president of client services.

The claimant reported to team lead Jill Pottoff, with whom she enjoyed a successful working relationship. Ms. Pottoff reported to Vice-President of Client Services Brooke Knight and the claimant believes Ms. Knight created a hostile work environment for her as well as other employees. Ms. Knight and Executive Vice-President of Engagement & Excellence, Rae Shanahan, constantly humiliated and embarrassed the claimant by yelling at her, usually in the presence of others, or called her into meetings, with another member of her team present, to yell at her and blame her for things that even her team lead agreed were not her fault. They would not listen to any explanations the claimant tried to give and would say they did not want to hear the claimant's voice or any excuses.

In September 2013 the claimant's lead told her Ms. Knight had decided to demote her from a National Account Executive to a Client Relationship Executive and told her Ms. Knight would meet with her about the change when she had time but that never happened before the

claimant's separation date December 6, 2013, and neither the claimant's duties nor pay changed before she left. The situation was left hanging over her head for the remainder of her employment.

The claimant's husband was diagnosed with kidney cancer October 26, 2013, and he had surgery November 5, 2013. There was no one to cover the claimant's work and the deadlines and client requirements were not being met by any other team member so she went between the hospital and work during the time following her husband's surgery. She was at the hospital November 5, 2013, and worked half days November 6 and 7, 2013, to meet the needs of her client. She then worked from home November 8, 2013, when he was released. On November 8, 2013, the claimant received a phone call from Ms. Pottoff relaying a message from Ms. Knight stating the claimant "obviously didn't care about the client" even though the claimant had been going in every day to service that client. On November 15, 2013, the claimant was called into a meeting with Ms. Knight and others where Ms. Knight berated the claimant for an error made by another team member. Ms. Pottoff told Ms. Knight the claimant was not responsible for the mistake but she continued to yell at and "pick on" the claimant. The claimant met with Ms. Pottoff after the meeting and Ms. Pottoff told her she was being set up for failure and the claimant decided to submit her letter of resignation effective December 6, 2013. Five of the 26 members of the claimant's team quit the week the claimant resigned because of the work environment and only one of those five had another job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2.

The claimant worked all but three weekends, most of which were mandatory, and averaged 70-hour weeks during the last year of her employment without complaint and was given the employer's biggest client's account. There is no evidence showing her work performance was poor. Ms. Knight, however, repeatedly harassed the claimant with untrue and unfair accusations, always bringing in another team member to watch her yell at and accuse the claimant of problems that were not her fault, which was embarrassing and humiliating to the claimant. She would not allow the claimant to respond with any kind of explanation or opportunity to tell her the error was not within her purview and told the claimant not to talk during these attacks because she did not want to hear her voice or excuses. Ms. Knight told

Ms. Pottoff the claimant was being demoted without any objective reason that was clear to either Ms. Pottoff or the claimant and even though she never followed through with that statement it hung over the claimant's head from September 2013 until her voluntary leaving.

When the claimant's husband was diagnosed with liver cancer in late October 2013, Ms. Pottoff was supportive and told her to take the needed time off but no one was assigned to cover the claimant's duties for the demanding client and the claimant was forced to split her time between the hospital and work. Ms. Knight still took the opportunity to criticize the claimant by stating she "obviously didn't care" about the client, whom the claimant had worked for night and day without any complaints from her team lead who defended her to Ms. Knight to the best of her ability to no avail.

Ms. Knight's treatment of the claimant was intolerable and detrimental. It appears she singled the claimant out for negative attention and undeserved criticism without even knowing the facts before some of her attacks. Under these circumstances, the administrative law judge must conclude the claimant has demonstrated her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits are allowed.

DECISION:

The December 30, 2013, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs